

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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**NICHOLAS FITZGERALD**, on behalf of  
himself and all others similarly situated,

Plaintiff,

Civil Action

-v.-

11-CV-04287 (KM)(MCA)

**GANN LAW BOOKS, INC., GANN LEGAL  
EDUCATION FOUNDATION, INC. AND  
MICHAEL PROTZEL,**

Defendants.

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**DECLARATION OF NICHOLAS FITZGERALD**

I, NICHOLAS FITZGERALD, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am the Plaintiff in this action and submit this Declaration in support of Plaintiff's Motion for : (1) certification of a settlement class for settlement purposes; (2) preliminary approval of settlement pursuant to Rule 23(e) of the Federal Rules of Civil Procedure; (3) approval of the form and manner of providing notice of the class action and proposed settlement to the settlement class members (the "Notice") as set forth in the parties' Settlement Agreement and Release, dated March 12, 2014; and (4) approval of Tilghman & Co., P.C., as the Claims Administrator. I have personal knowledge of the matters set forth in this declaration, and could and would testify competently to their truth and accuracy if called as a witness.

2. At all times relevant to this action, Plaintiff, a New Jersey resident, had telephone service at his office in Jersey, City, New Jersey. Plaintiff received facsimile transmissions at this location, using telephone a facsimile machine.

3. On or about February 26, 2009, August 14, 2009, three separate times on August 15, 2009, and on April 8, 2011, Plaintiff received a fax advertisement on its fax machine located at his office in Jersey City, New Jersey from Defendant.

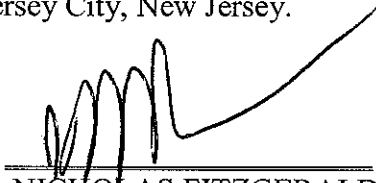
4. The fax advertisements advertised the commercial availability or quality of Defendants' goods and services. A true and correct copy of the fax advertisements Plaintiff received is attached hereto as Exhibit 1.

5. I have been actively involved in this case from its inception. I sought out Mr. Bellin and Mr. Jeffrey M. Eilender to handle this matter, have discussed the facts underlying this case with Mr. Bellin, have provided Mr. Bellin with material supporting Plaintiff's claims, have discussed strategy with Mr. Bellin, and reviewed and approved the Complaint filed in this action. A true and correct copy of the Complaint in this action is attached hereto as Exhibit 2. In addition, I was kept apprised of settlement negotiations and attended approximately seven hours of the mediation between the parties that was ultimately successful.

6. Plaintiff knows of no conflicts with the members of the proposed Classes in this case, and Plaintiff does not have any ownership interest in the Defendants.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of March, 2014, in Jersey City, New Jersey.



NICHOLAS FITZGERALD